SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT PETITION NO. 19872 OF 2002

BETWEEN

Sebastian Fernando and another

..... Petitioners

And

State of Andhra Pradesh
Rep. by its Principal Secretary & others.

.....Respondents

Counsel for the petitioners : Shri D.V. Sitharam Murthy

Counsel for the respondents : Government Pleader for Revenue

Date: 21.09.2006

:: O R D E R ::

Per G.S. SINGHVI, CJ

In this petition, the petitioners have prayed for striking down the Andhra Pradesh Registration (Prohibition of Registration of Certain Documents opposed to Public Policy) Rules, 1999 (for short 'the 1999 Rules') and notification dated 30.05.2000 vide which the Government of Andhra Pradesh declared the registration of documents in respect of the land in Survey Nos. 1196, 1197, 1027, 1028 of Village Waltair Ward, Visakhapatnam (Urban), Visakhapatnam as opposed to public policy.

We have heard learned counsel for the parties and perused the record.

By an order dated 07.12.2005 passed in Writ Petition No.14099 of 2003 – K. Ramadevi v. State of Andhra Pradesh, and batch, this Court struck down Section 22-A of the Registration Act, 1908 (for short 'the Act') as inserted by Andhra Pradesh Amendment Act No.4 of 1999. Petition for Special Leave to Appeal No.11984 of 2006 filed by the State of Andhra Pradesh against that order was dismissed by the Supreme Court on 11.08.2006.

Since the 1999 Rules have been framed by the State Government and the impugned notification has been issued for giving effect to Section 22-A of the Act, the same are liable to be struck down/quashed. Ordered accordingly.

The writ petition is allowed in the manner indicated above. The competent authority shall now take steps for registration of the documents presented by the petitioners and do the needful within three months from the date of presentation of a copy of this order.

It is, however, made clear that this order shall not be construed as a mandate of the Court for

registration of the documents of the petitioners and the competent authority shall take appropriate decision after satisfying itself that the petitioners fulfill all other statutory requirements.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

21.09.2006
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